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09/836,331	04/18/2001	Dhananjay A. Nagalkar	P 275029 P10780	8298
27496	7590	09/06/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP 725 S. FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017			SHRADER, LAWRENCE J	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,331

Applicant(s)

NAGALKAR, DHANANJAY A.

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-4, 6-12, 14-16, 18, and 22 - 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-4, 6-12, 14-16, 18, and 22 - 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. This office action is in response to the amendment filed by the Applicant on 10 July 2005.
2. Claims 1, 2, 5, 13, 17, 19 – 21 have been cancelled at the request of the Applicant. The remaining claims 3 – 4, 6 – 12, 14-16, 18, and 22 – 23 are presented for examination.
3. The Applicant's arguments in the amendment have been fully considered, but are moot in view of the new grounds of rejection.

#### ***Claim Rejections - 35 USC § 101***

4. The rejection of claims 1 and 19 under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter, is withdrawn in view of the amendments.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandeberg et al., U.S. Patent 6,038,545 (hereinafter referred to as Mandeberg) in view of Osborne, II et al., U.S. Patent 6,934,934 (hereinafter referred to as Osborne).

**In regard to claim 6:**

*"generating a customized product from a generic product by having a development computer site connect to a central computer site using a visual tool provided by said central computer site, the customized product being based on a plurality of features associated with the generic product;*

*maintaining the customized product at said central computer site;*

*triggering, by the development site through a test driver tool located at the central computer site, a runtime engine at the central site to test the customized product;*

*executing the test of the customized product by the runtime engine."*

Mandeberg discloses customized product maintained at a central site (Abstract; column 4, lines 8 – 19; column 5, lines 45 – 66), but does not explicitly disclose triggering a runtime engine at the central site. However, Osborne discloses a development computer connected to a central computer site using a visual tool provided by the central site (e.g., see Figure 1 and associated text); maintaining product in databases at the central site; triggering a runtime engine; and executing a test of the product by the runtime engine (e.g., Figure 2 and related text). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the centralized development system as taught by Osborne with the customization of a generic product as taught by Mandeberg because one be motivated to take advantage of a centralized site in a multi-user environment so multiple individual testing might be accomplished simultaneously as taught by Osborne at column 6, lines 50 – 58).

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**In regard to claim 11**, incorporating the rejection of claim 6:

*"... wherein the building comprises:*

*selecting a portion of the plurality of features of the generic product;*

*specifying custom values for the portion of the plurality of features;"*

See Mandenberg column 3, lines 10 – 21 where a portion of generic features may be configured and custom values for a specific site may be configured (column 4, lines 1 – 7).

*"generating a parameter module based on the portion of the plurality of features and the custom values for the portion of the plurality of features, the parameter module activating the portion of the plurality of features with the custom values; and"*

See Mandenberg column 10, lines 21 – 34.

*"constructing a visual diagram using the portion of features, the visual diagram configuring the portion of the plurality of features to form a state machine."*

The control and monitoring station (Figures 1 and 3) configures the plurality of features to be activated for on-site use.

**In regard to claim 12**, incorporating the rejection of claim 11:

*"...wherein the selecting is performed via a parameter module generator in a visual customization tool; and*

*the specifying is performed through defined interfaces of the portion of the plurality of features via the parameter module generator; and*

*the constructing is performed via a visual diagram generator in the visual customization tool."*

Mandenberg discloses a control and monitoring station to construct customized product, working with the CreativePartner Agent acting as an interface with the distributed sites through which specifying the plurality of features if performed (e.g., Figure 3).

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**In regard to claim 13, incorporating the rejection of claim 11:**

*"...wherein the testing comprises:*

*triggering, by the development site through a test driver tool, a runtime engine at the central site to test the customized product; and*

See Mandeberg column 6, lines 4 – 16.

*executing, by the runtime engine, the customized product based on the parameter module and the visual diagram."*

The control and monitoring station (Figures 1 and 3) configures the plurality of features to be activated for on-site use.

**In regard to claim 14, incorporating the rejection of claim 13:**

*"...further comprising*

*generating, by the runtime engine, debug data based on the executing the customized product;*

*displaying the debug data on a visual log viewer; and*

*debugging, by the development site, the customized product based on the debug data displayed on the visual log viewer."*

Errors are detected and debugged at the development site and the monitoring station at the central site receives reports error reports as disclosed at column 11, line 16 to column 12, line 32 of Mandeberg, but explicit discussion of a viewing the log data. However, Osborne discloses a log and a GUI for viewing the log data that is analyzed (debugging function) by the analyzer (e.g., see Figures 1 and 2 and the related text, especially column 13 line 30 to column 15 line 18). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the error reporting of Mandeberg with the logging/analyzing /viewing

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functions taught by Osborne, because one would be generally motivated to capture the results in a visual manner in order to make adjustments to the customization.

**In regard to claim 15:**

A computer-readable medium rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 6.

**In regard to claim 16, incorporating the rejection of claim 15:**

A computer-readable medium rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 11.

**In regard to claim 18, incorporating the rejection of claim 17:**

A computer-readable medium rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 14.

**In regard to claim 22:**

*"a visual customization tool that receives instructions from at least one development computer site to create a customized product, wherein the customized product is based on the generic product and the visual customization tool makes customizations to features of the generic product to build the customized product;*

*a runtime engine to test a customized product after receiving instructions from the at least one development computer site;*

*a test driver tool for triggering the runtime engine to perform a test on the customized product; and*

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*a visual log viewer for visually viewing debug data generated by the runtime engine and the debugger during the test on the customized product."*

Mandeberg discloses customized product maintained at a central site (Abstract; column 4, lines 8 – 19; column 5, lines 45 – 66), but does not explicitly disclose triggering a runtime engine at the central site. However, Osborne discloses a development computer connected to a central computer site using a visual tool provided by the central site (e.g., see Figure 1 and associated text); maintaining product in databases at the central site; triggering a runtime engine; and executing a test of the product by the runtime engine (e.g., Figure 2 and related text). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the centralized development system as taught by Osborne with the customization of a generic product as taught by Mandeberg because one be motivated to take advantage of a centralized site in a multi-user environment so multiple individual testing might be accomplished simultaneously as taught by Osborne at column 6, lines 50 – 58).

**In regard to claim 23:**

*"at least one development computer site; and  
a central computer site for supporting a generic product with a plurality of features, the central site including:*

*a visual customization tool communicating with the at least one development computer site, the at least one development computer site interacting with the visual customization tool to generate a customized product of the generic product based on the at least one development computer site's selection of a subset of the plurality of features;*

*a runtime engine to perform a test on the customized product and generate debug data;*

*a test driver tool to trigger the runtime engine to perform the test on the customized product; and*

*a visual log viewer for visually viewing the debug data generated by the runtime engine during the test on the customized product."*

Mandeberg discloses customized product maintained at a central site (Abstract; column 4, lines 8 – 19; column 5, lines 45 – 66), but does not explicitly disclose triggering a runtime engine at the central site. However, Osborne discloses a development computer connected to a central computer site using a visual tool provided by the central site (e.g., see Figure 1 and associated text); maintaining product in databases at the central site; triggering a runtime engine; and executing a test of the product by the runtime engine (e.g., Figure 2 and related text). Osborne also discloses a log and a GUI for viewing the log data that is analyzed (debugging function) by the analyzer (e.g., see Figures 1 and 2 and the related text, especially column 13 line 30 to column 15 line 18). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the centralized development system as taught by Osborne with the customization of a generic product as taught by Mandeberg because one be motivated to take advantage of a centralized site in a multi-user environment so multiple individual testing might be accomplished simultaneously as taught by Osborne at column 6, lines 50 – 58).

**In regard to claim 3, incorporating the rejection of claim 2:**

*"...wherein each of the plurality of features corresponds to a defined interface which can be invoked from the visual customization tool."*

See Mandeberg Figure 3 and column 10, lines 35 – 52.

**In regard to claim 4, incorporating the rejection of claim 2:**

*"...wherein the custom product comprises:*

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*a parameter module generator for activating a portion of the plurality of features with custom values via the defined interface of each feature in the portion of the plurality of features; and"*

See Mandeberg column 10, lines 21 – 34.

*"a visual diagram generator for configuring the portion of the plurality of features that are activated by the parameter module generator to generate a state machine configuration."*

The control and monitoring station (Figures 1 and 3) configures the plurality of features to be activated for on-site use.

7. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being patentable over Mandeberg et al., U.S. Patent 6,038,545 in view of Osborne, II et al., U.S. Patent 6,934,934, as applied to claim 6 above, further in view of Alexander et al., U.S. Patent 5,986,654 (hereinafter referred to as Alexander).

**In regard to claims 7 and 9, incorporating the rejection of claim 6:**

*"...the generic product includes a web site."*

*"...the customized product includes a customized web site."*

Mandeberg in combination with Osborne teaches a system for managing content, but neither one teaches that the managed content is a web page as either a generic product or a customized product. However, Alexander does disclose a means to customize a generic web page (column 16, lines 7 – 21). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the content management and testing system of

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Mandeberg with Osborne in order to properly configure the information received from the central site, further modified with the Alexander invention supplying a generic web page as a product to be customized. Because of the ubiquitous nature of the Internet, it would be reasonable to provide web pages as a managed product available in the Mandeberg system because a point of sale system implementing a website would be beneficial to measure effectiveness of promotions as taught by Mandeberg at column 4, lines 8 – 19).

8. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being patentable over Mandeberg et al., U.S. Patent 6,038,545 in view of Osborne, II et al., U.S. Patent 6,934,934, as applied to claim 6 above, further in view of Elrod et al., U.S. Patent 5,455,852 (hereinafter referred to as Elrod).

**In regard to claims 8 and 10, incorporating the rejection of claim 6:**

*“...the generic product includes a protocol.”*

*“...the customized product includes a variant of a protocol.”*

Mandeberg in combination with Osborne teaches a system for managing content, but does neither one explicitly teaches that the managed content includes a protocol as either a generic product or a customized product. However, Elrod does disclose a means to customize a protocol (column 6, line 60 to column 7, line 9). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the content management system of Mandeberg with Osborne to properly configure the information received from the generic central site, further modified with the Elrod invention supplying a generic protocol as a product,

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because the needs of a particular development site may be satisfied by having the ability to customize a particular protocol for a specific processes or a unique standards requirement.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (571) 272-3734. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader  
Examiner  
Art Unit 2193

1 September 2005



ANIL KHATRI  
PRIMARY EXAMINER